

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 Virginia Road, P.O. Box 9133
Concord, MA 01742-9133

RECEIVED
CENTRAL FAX CENTER

OCT 15 2004

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

FACSIMILE FILING OF PTO DOCUMENT

Examiner: Kaushal, Sumesh **Group:** 1636

Date: October 15, 2004

Client Code: 2316.1010-000

Facsimile No.: 703-872-9306

From: Anne J. Collins, Esq. *ajc*

Subject: Paper: Terminal Disclaimer
Docket No.: 2316.1010-000 (GSF98-04A)
Applicants: Walter H. Günzburg, *et al.*
Serial No.: 09/160,067
Filing Date: September 24, 1998

Number of pages including this cover sheet: 3

Please confirm receipt of facsimile: Yes XX No

Comments:

CPFDoktyp: ODMA/MHODMA/HBSIW5_Message_506328.1

BEST AVAILABLE COPY

Privileged and Confidential - All information transmitted hereby is intended only for the use of the addressee(s) named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any distribution or copying of this communication is strictly prohibited. Anyone who received this communication in error is asked to notify us immediately by telephone and to destroy the original message or return it to us at the above address via first class mail.

HAMILTON

RECEIVED
CENTRAL FAX CENTERBROOK
SMITH &
REYNOLDS, P.C.

OCT 15 2004

PATENTS, TRADEMARKS
COPYRIGHTS & LITIGATION530 VIRGINIA ROAD
P O BOX 9133
CONCORD, MA 01742-9133
TEL (978) 341-0036
FAX (978) 341-0136
www.ndsr.comMUNROE H. HAMILTON
(206-1984)DAVID E. BROOK
JAMES M. SMITH
LEO R. REYNOLDS
JOHN L. DUPRE
DAVID J. BRODY
MARY LOU WACHMAN
ALICE O. CARROLL
N. SCOTT PURCE
HELEN E. WENDLER
SUSAN U. L. GLOVER
DORREN M. HOGUE
RICHARD W. WACHNER
ROBERT T. COMPTON
RODNEY D. JOHNSON
DAVID J. THOMPSON, JR.
ANNE J. COLLINS
TIMOTHY J. MEACHER
STEVEN G. DAVIS
DORINDA E. SANDERSSANDRA A. BROCKMAN LEE
P. JAMES COE
CHRISTINE M. DOE
COLIN C. DURHAM
CAROL A. EGER
GIOVANNA FESSENDEN
CHRISTINE M. FLEMING
TODD A. GERTY
HELEN LEE
JOSEPH M. MAHAN
MARY K. MURRAY
KEVIN T. SHALOHNESEY
CHARLTON SHEN
MARA B. SOLOMON
THEO T. SYRIL
RALPH THOMPSON
DARRELL L. WONG
NATH J. WOODOF COURSE:
ELIZABETH W. MATAPATENT AGENTS
SUSAN M. ADAMS
ALEXANDER AMMEZER
KRAIG ANDERSON
JESSE A. PECKER
LUCK LUGANOVY
VIVIAN J. TANNOKI MASON
PAMELA A. TORPES
KAREN J. TOWNSEND
ROBERT H. UNDERWOODTECHNOLOGY SPECIALISTS
KAMILA ALEXANDER
PAUL G. ALLOTT
ERIC M. BAILEY
SETH M. CANNON
SUSAN C. KELLY
BOOTHONG SHEN LIM
MICHAEL M. YAMAGUCHIMICHAEL NEWBURN
ADMINISTRATIVE DIRECTORBARBARA J. FORBES
ADMINISTRATOR OF
PATENT AND
TRADEMARK PRACTICE

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on	
October 15, 2004	Jenine Crump
Date	Signature
Jenine Crump	
Typed or printed name of person signing certificate	

October 15, 2004

VIA FACSIMILE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Applicant:	Walter H. Günzburg, Peter Karle, Robert M. Saller, Brian Salmons, Matthias Löhr and Petra Müller
Application No.:	09/160,067
Filed:	September 24, 1998
Confirmation No.:	5908
Title:	Encapsulated Cells Producing Cytochrome P450
Docket No.:	2316.1010-000 (GSF98-04A)

Sir:

Please find enclosed a Terminal Disclaimer for filing in the above-referenced application.

The statutory fee in the amount of \$110.00 for filing the disclaimer is attached. Applicants' Attorney hereby grants a general authorization to charge the required fee to Deposit Account No. 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Anne J. Collins
Anne J. Collins
Registration No. 40,564
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

TERMINAL DISCLAIMER TO OBIUATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENTRECEIVED
CENTRAL FAX CENTER

OCT 15 2004

In re Application of. Walter H. Gönzburg, Peter Karle, Robert M. Saller, Brian Salmons, Mathias Lohr
and Petra Muller

Application No.. 09/160,067

Filed. September 24, 1998

Confirmation No.. 5908

For: Encapsulated Cells Producing Cytochrome P450

The owners, GSF-Forschungszentrum für Umwelt Und Gesundheit GmbH, Bavarian Nordic Research Institute GmbH, and Bavarian Nordic Research Institute A/S of 100 percent interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,540,995 B1 (Application No. 09/442,979). The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The terminal disclaimer fee under 37 CFR 1.20(d) is enclosed.

The undersigned is an attorney or agent of record

October 15, 2004
Date

Anne J. Collins
Anne J. Collins
Registration No.: 40,564
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.